



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, NOVEMBER 22, 2010
7:00P.M.**

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. Ramon Mendez, First Evangelical Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Recognizing the achievements of Hogares Crea

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made

from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Council minute of October 25 and November 8, 2010

B. AGENDA: Council meeting of November 22, 2010

5. Consent Agenda Legislation

A Resolution – authorizing the Mayor to file an application for RACP funds in the amount of \$500,000.00 for Alvernia University. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania **(Law)**

B. Award of Contract - for Installation and Rental of Bulk Oxygen Systems for the Waste Water Treatment Plant and the Sixth and Canal Street Pumping Station and the Supply of Oxygen for Both Locations for a One-Year Period for the Department of Public Works to GTS-Welco (PDMA), 5275 Tilghman Street, Allentown, PA 18107, who is the low bidder at the unit prices submitted as attached **(Purchasing)**

C. Resolution – authorizing the City to Intervene in the appeal of Orange Stones of the October 13, 2010 Decision of the City of Reading Zoning Hearing Board denying Orange Stones application for a non conforming use at 1711 Hampden Boulevard **(Law)**

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No 92-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 Fiscal Provisions by providing clarifying language regarding Council approval of transfers to and from all City fund accounts **(Waltman/Council Staff)) Introduced at the October 25 regular meeting; Tabled at the November 8 regular meeting**

B. Bill No 94-2010 - amending the City of Reading Codified Ordinances Chapter 10 Part 19 by creating a Vending Machine section which establishes a permit, permit fee, inspection, inspection fee and penalties for the operation of all vending machines in the City of Reading and providing for an appeal board and procedures, penalties as well as renumbering the sections as required, as attached in Exhibit A **(Law)** *Introduced at the November 8 regular meeting*

C. Bill No 95-2010 - recognizing the members of the Reading Main Street Program Board and authorizing the Board to carry out the goals & objectives of the Reading Main Street Program in accordance with the policies of the Department of Community and Economic Development of the Commonwealth of Pennsylvania **(Law/Community Development)** *Introduced at the November 8 regular meeting*

D. Bill No 96-2010 – ordering an investigation under the authority of the Home Rule Charter Section 216, regarding the use of sewer funds **(Council Members)** *Introduced at the November 8 regular meeting*

E. Bill No 97-2010 – amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-416 increasing the violation for various parking regulations as required by the Act 47 Recovery Plan (RE03 & PA02) **(Law)** *Introduced at the November 8 regular meeting*

F. Bill No 98-2010 – levying a tax of fourteen and three hundred and thirty-four thousandths mills (0.014334) on the dollar, or fourteen dollars and thirty-three point four cents (\$14.334) on each one thousand dollars is hereby levied and assessed for the fiscal year beginning the first day of January, 2011, and ending the thirty-first day of December, 2011, on all real property in the City of Reading taxable for County purposes **(Finance)** *Introduced at the October 4 special meeting*

G. Bill No 99-2010 – amending Chapter 24 Park 2B Home Rule Earned Income Tax section 24-221 through section 24-235 of the City of Reading Codified Ordinances. Section 24-221 through section 24-235 shall provide for a tax of one and six tenths percent (1.6%) on all earned income and net profits generated by residents of the City of Reading. This tax of one and six tenths percent (1.6%) on all earned income and net profits generated by residents of the City of Reading shall be in addition to the tax collected under 24-201 Et Seq. of the City of Reading Codified Ordinances **(Finance)** *Introduced at the October 4 special meeting*

H. Bill No 100-2010 – establishing the Full Time Employee Positions for the City of Reading for the fiscal year 2011 **(Finance)** *Introduced at the October 4 special meeting*

I. Bill No 101-2010 – establishing the budget for the funds of the City of Reading including revenues and expenses for the fiscal year beginning January 1, 2011 and ending December 31, 2011 **(Finance)** *Introduced at the October 4 special meeting*

J. Bill No 102-2010 – establishing the Capital Improvement Plan budget for the city of Reading including capital expenditures and revenues for the fiscal year beginning January 1, 2011 and ending December 31, 2011 **(Finance)** *Introduced at the October 4 special meeting*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - amending Chapter 1 Administration and Government Part 5 Boards, Commissions, Committees and Councils Subpart G Planning Commission Section 1-571 Creation Of Commission by reducing the number of members from seven (7) to five (5) **(Law)**

B. Ordinance - establishing a four-way stop intersection at North 13th Street and Elm Street in the City of Reading, Pennsylvania **(Law/Public Works)**

Pending Legislation

Bill No. 30 - 2010 - authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of certain premises situate in Ontelaunee Township, Berks County, PA from the City of Reading to Ontelaunee Township **(Law)** *Introduced at the June 15 regular meeting; Tabled at the July 12 and July 26 regular meetings*

Bill No. 34-2010 – establishing a four-way stop intersection at N. 13th St and Richmond St in the City of Reading, Pennsylvania **(Public Works)** *Introduced at the July 12 regular meeting; Tabled at the July 26 regular meeting; Second Traffic Study Requested*

11. RESOLUTIONS

None

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Thursday, November 25

City Hall Closed – Thanksgiving Holiday

Friday, November 26

City Hall Closed – Thanksgiving Holiday

Monday, November 29

Waste Water Treatment Plant Update – Council Office – 5 pm

Monday, December 6

Administrative Oversight Committee – Council Office – 5 pm

Public Safety Committee – Council Office – 5 pm

Wednesday, November 8

Police Termination Hearing – Penn Room – 5 pm

Monday, December 13

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, November 22

DID Authority – Reading Eagle 3rd Floor Conference Room – noon
BARTA – BARTA Office – 3 pm

Tuesday, November 23

Housing Authority Workshop – WC Building – 4 pm
Housing Authority – WC Building – 5 pm
Planning Commission – Penn Room – 7 pm
District 7 Crime Watch – Holy Spirit Church – 7 pm
Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm

Wednesday, November 24

Human Relations Commission – Penn Room – 5:30 pm
Parking Authority – Parking Authority Office – 5:30 pm
Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm
18th & Cotton Community Crime Watch – St. Matthew's UM Church – 7 pm
Stadium Commission – Stadium RBI Room – 7:30 pm

Monday, November 29

District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, November 30

Environmental Advisory Council – Council Office – 5:30 pm

Wednesday, December 1

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm
Board of Health – Penn Room – 6 pm
District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, December 2

Police Civil Service Board – Penn Room – noon
Glenside Community Council – Christ Lutheran Church – 6:30 pm
District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, December 6

Centre Park Artifacts Bank – 705 N 5th St – noon
Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, December 7

Charter Board – Penn Room – 7 pm

Wednesday, December 8

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, December 9

Police Pension Board – Penn Room – 10 am

Legislative Aide Committee – Penn Room – 7:30 pm

Sunday, December 12

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, December 13

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

CITY COUNCIL MEETING MONDAY, OCTOBER 25, 2010

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Steve Elmarzouky, Islamic Center of Reading.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Interim Managing Director C. Geffken
City Auditor D. Cituk
City Clerk L. Kelleher
City Solicitor C. Younger
Mayor's Assistant F. Denbowski
Sergeant at Arms, Capt. R. Schafer

PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing the achievements of Dr. C. James Holliman

PUBLIC COMMENT

Council President Spencer announced that two (2) citizens are registered to address Council on agenda matters and one (1) citizen is registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule requiring non-agenda comment at the end of the meeting was suspended. He reminded those registered of the remaining public speaking rules.

Denton Buckley, of Penn Street and owner of Gilbert's Furniture, stated that he is also a member of the Downtown Improvement District and expressed his belief that the increase of parking fines and the extension of parking enforcement at parking meters is a detriment to downtown businesses. He also expressed the belief that the proposed ordinance is also a detriment to entertainment and restaurant venues. He expressed belief that the proposed ordinance will be counter productive to all downtown business and entertainment activities.

Ronald Buckley, of Penn Street and owner of Gilbert's Furniture, reiterated the comments made by customers and other downtown business owners concerning their opposition to increasing the parking fines and extending the enforcement hours at parking meters downtown. He expressed the belief that this proposal will harm businesses. He also expressed the belief that less strict enforcement will benefit downtown businesses. He stated that the new restrictions may force customers out of Reading.

Sylvia Christy, of Penn Street, questioned why the City needs a Cat Patrol during difficult financial times. She suggested that the City instead focus on more pressing matters.

Tracey Griffith, of North 5th Street, expressed the belief that the proposed ordinance will not protect the health or welfare of City residents. She expressed the belief that pet licensing is a poor way to manage the issue. She expressed the belief that the proposed ordinance will harm animal foster homes and questioned the constitutionality of the proposed ordinance.

Sandra Lee Burkhart, of North 11th Street, was not present.

Lisa Johnson, of North 11th Street, was not present.

Bonnie Gernert, of North 10th Street, stated that she will continue to protest any legislation placing restrictions on pet ownership. She expressed the belief that the Animal Rescue League should not propose such an ordinance when they sit as judge and jury. She also expressed the belief that the proposed ordinance puts pet owners at risk.

She described various problems residents have with the Animal Rescue League on a regular basis. She questioned the constitutionality of the proposed ordinance.

Lisa Shinn, of Hampden Boulevard, expressed the belief that the number of pets per household is not a problem. She suggested that the ordinance include more definitive terms. She also stated that enforcement of the City's current laws will rectify the problem.

Bill Katinowski, of Sinking Spring, described a recent injury to a friend caused by his mugging in the Centre Park area. He noted the need to address criminals and crime. He also described the recent assistance the City's EMS service provided at his mother's home. He thanked EMS providers for their outstanding service.

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for tonight's meeting and the minutes from the October 11th regular meeting of Council. He noted the need to add two (2) pieces of legislation to the agenda this evening as follows:

- Award of Contract to the Consent Agenda authorizing Northeast Industrial to demolish the Cold Storage building located at Elm and Reed Streets
- Resolution authorizing the Administration to petition the Berks County Court of Common Pleas to seek permission for a commuter earned income tax

CONSENT AGENDA LEGISLATION

Award of Contract - for Motor Oils and Lubricants for the Department of Public Works and the RAWA between PPC Lubricants, 305 Micro Drive, Jonestown, PA 17038, and Craft Oil, 837 Cherry Street, Avoca, PA, 18641, at the unit prices submitted. PPC Lubricants and Craft Oil are the low bidders to meet the specifications
(Purchasing)

Award of Contract - for Northeast Industrial to demolish Cold Storage building located at Elm and Reed Streets.

Councilor Marmarou moved, seconded by Councilor Acosta, to approve the minutes from the October 11th regular meeting of Council and the agenda as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Interim Managing Director Geffken highlighted the report distributed to Council at the meeting covering the following:

- Requesting approval of the Codes Maintenance Aides.
- Questioning the limitation on the dog and cat ordinance
- Budget Review Schedule
- Trick or Treat Night scheduled for October 31st from 6pm-9pm.

Councilor Waltman noted the Mayor's right to vacation; however he expressed the belief that the Mayor is a necessary component of the Budget discussions currently occurring. He asked Mr. Geffken to convey that message to the Mayor.

Mr. Geffken noted the Administration's position to reinstate six (6) additional Police Officers.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- Update on Admission Tax Collection from 2006-2010
- Update on Real Estate Transfer Tax from 2006-2010

- Update on Public Utility Realty Tax from 1997-2010

ORDINANCES FOR FINAL PASSAGE

Bill No. 82- 2010 - An ordinance of the City of Reading Codified Ordinances, Chapter 4, Part 1 Historical Districts by extending enforcement authority to Property Maintenance Inspectors and Supervisors and Zoning Enforcement Officers **(Council Staff)** *Introduced at the October 11 regular meeting*

Councilor Sterner moved, seconded by Councilor Acosta, to enact Bill 82-2010.

Mr. Spencer stated that this ordinance was stimulated through the monthly Historic District meetings where the need for improved enforcement of the Historic District ordinance was discussed over a long period of time.

Councilor Waltman stated that he is pleased that these monthly meetings moved this issue forward.

Bill 82-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Bill No. 83-2010 - amending the 2010 City of Reading Full Time Position Ordinance by adding the position of Controller in the Department of Finance **(Business Analyst)** *Introduced at the October 11 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 83-2010.

Council President Spencer stated that the creation of this position is called for in the Act 47 Recovery Plan.

Interim Managing Director Geffken stated that the salary of this position will be covered in part by a three (3) year DCED grant in the amounts of \$75K for the first year, \$50K for the second year, and \$25K for the third year. After the third year the City will carry will the entire cost for the controller position if it's continued.

Councilor Goodman-Hinnershitz expressed the belief that this position will be a valuable asset to the City.

Interim Managing Director Geffken stated that as the City's budget and financial issues grow, additional staff is needed to help manage the various problems.

Bill 83-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.
Nay: None - 0.

Bill No 84-2010 - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-678 Disability Benefits **(Law)**
Introduced at the October 11 regular meeting

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 84-2010.

City Solicitor Younger explained that this amendment was proposed by the Officer's and Employee's pension solicitor.

Interim Managing Director Geffken also stated that the proposed ordinance also answers many questions concerning years of service and disability.

Bill 84-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.
Nay: None - 0.

Bill No 85-2010 - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-682 Refund of Contribution **(Law)**
Introduced at the October 11 regular meeting

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to enact Bill 85-2010.

City Solicitor Younger stated that this proposed ordinance is also presented by the Solicitor to the Officer's and Employee's Pension Board.

Bill 85-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.
Nay: None - 0.

Bill No 86-2010 - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees – Vending Machine Fees **(Council Staff)** ***Introduced at the October 11 regular meeting***

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to tabled Bill 86-2010

Bill 86-2010 was tabled by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Council President Spencer stated that this ordinance was tabled pending a follow-up meeting with the vending business scheduled for tomorrow at 4pm.

Bill No 87-2010 – Amending the 2010 Full Time Position Ordinance by adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department **(Business Analyst) Introduced at the October 11 regular meeting**

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enacted Bill 87-2010

Interim Managing Director Geffken stated that the cost of these positions will be covered by the quality of life ticketing. He stated that these employees will work an average six (6) days per week.

Councilor Goodman-Hinnershitz expressed her belief in the need for these positions to improve the enforcement of the City's quality of life violations on a timely basis.

Councilor Sterner requested that the Administration provide quarterly follow-up about these positions and the enforcement of the City's quality of life ordinances.

Councilor Waltman expressed the belief that the current Codes staffing is optimal. He suggested that policy drive enforcement. He expressed the belief that Codes enforcement needs to be smart, efficient, and responsible. He also noted the need for tested funding to support the ordinance prior to its enactment.

Council President Spencer questioned the appeal process. City Solicitor Younger stated that a quality of life violation is appealed to the Codes Administrator. City Clerk Kelleher added that the ordinance is written similar to the Disruptive Conduct ordinance whereby appeals to the Codes Administrator's decision may be appealed to the Court of Common Pleas.

Councilor Acosta expressed concern that the Maintenance Aides will need to ticket 6,000 properties per year. He noted his disagreement with the concept.

Interim Managing Director Geffken stated that the Maintenance Aides will cost approximately \$140K each year and the Aides would need to issue 22 tickets each day. He stated that the Aides will not be cross-trained as they will have a lower level of responsibility when compared to the Property Maintenance Inspectors.

Councilor Goodman-Hinnershitz expressed the belief that the initial impact could be large and work to change the behavior of City residents.

Councilor Reed also noted the need for the Aides to address questionable behavior and activities on weekends.

Councilor Acosta clarified that he is not opposed to holding people accountable but questions the City's ability to generate sufficient revenue to sustain these three (3) new positions.

Council President Spencer suggested that existing Codes staff could issue quality of life tickets too, as they are out on the street daily. Interim Managing Director Geffken replied that Property Maintenance Inspectors can issue tickets; however the lack of three (3) additional personnel will negatively affect the City's ability to move the inspection schedule to once every two to three years.

Councilor Acosta noted the need for improved leadership from current Codes employees. Councilor Marmarou called for the question.

Bill 87-2010 was enacted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner - 4.

Nay: Acosta, Waltman, Spencer, President- 3.

Bill No 88-2010 - Amending the 2010 Full Time Position Ordinance by adding one (1) Program Managers under Community Development (**Business Analyst**)
Introduced at the October 11 regular meeting

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill 88-2010

Bill 88-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman– 6.

Nay: Spencer, President - 1.

Bill No. 89-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 24 Taxation, Special, Part 4 Local Services Tax, Section 24-401 definitions, thereby redefining terms “Tax Manager” and “Treasurer” for said Part 4 (**Law**) ***Introduced at the October 11 regular meeting***

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 89-2010

Interim Managing Director Geffken explained that this ordinance provides collections by a third party agent which will be necessary when the City shifts Earned Income Tax and LST collection to Berks Earned Income Tax.

Bill 89-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President– 7.

Nay: None - 0.

Bill No 90-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-503 thereby removing Saturdays as an excepted day for enforcement **(Law)** *Introduced at the October 11 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill 90-2010

Bill 90-2010 was tabled by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 6.

Nay: Acosta- 1.

Bill No 91-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-504 Thereby extending hours of enforcement between 8:00 am and 8:00 pm **(Law)** *Introduced at the October 11 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill 91-2010

Bill 91-2010 was tabled by the following vote:

Yea: Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President – 5.

Nay: Acosta, Marmarou- 2.

Ordinance 92–2010 - providing for a tax of up to a maximum of one and three tenths percent (1.3%) on all earned income and net profits generated in the City of Reading by non-residents of the City of Reading **(Finance)** *Introduced at the October 4 special meeting*

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill 92-2010

Interim Managing Director Geffken explained that the City needs to approve this ordinance and an accompanying resolution in order to get this issue before the Court of Common Pleas for decision by December.

Councilor Waltman noted that the Commuter Earned Income Tax is included in the Act 47 Recovery Plan. He stated that he will not support this ordinance as it does not address the City's most principal issues.

Councilor Goodman-Hinnershitz stated that she will support this ordinance, along with other short and long term components.

Interim Managing Director Geffken stated that the City expects to collect \$2.5M for three (3) quarters in the 2011 calendar year. He explained that the City will not begin receiving revenue from this tax until Spring 2011, if the tax is approved by the court.

Bill 92-2010 was enacted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner – 4.

Nay: Acosta, Waltman, Spencer, President - 3.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - amending the Animal Control ordinance by limiting the number of cats and dogs per household **(Legislative Aide Committee/Council Staff)**

B. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 Fiscal Provisions by providing clarifying language regarding Council approval of transfers to and from all City fund accounts **(Waltman/Council Staff)**

RESOLUTIONS

A. Resolution 102-10 authorizing the Mayor to execute a FFY2010 (36th CD year - January 1, 2010 to December 31, 2010) Action Plan Amendment to move \$114,140 in CDBG funding from the Barbey's Playground activity to the renovation of the 9th and Marion, 8th and Court, Reed and Walnut Fire Station activities **(Community Development)**

Councilor Sterner moved, seconded by Councilor Marmarou, to adopt Resolution 102-2010.

Interim Managing Director stated that this reallocation will cover all the necessary expenses to make the various repairs to three of the City's fire stations.

Councilor Waltman noted the need to include the Barbey's playground in the CDBG Action Plan.

Resolution 102-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 7.
Nay: None - 0.

Resolution 103-2010 – Authorizing the Administration to petition the Court of Common Pleas for permission to impose a non-resident Earned Income Tax in the amount not to exceed 1/3 tenths percent for 2011.

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 103-2010

Resolution 103-2010 was adopted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 5.
Nay: Acosta, Waltman - 2.

COUNCIL COMMENT

Councilor Goodman-Hinnershitz noted the improved Codes compliance along Mineral Spring Road.

Councilor Goodman-Hinnershitz described various efforts to address the litter problem at the Pagoda.

Councilor Sterner thanked those who provided Public Comment this evening. He also noted the tough decisions Council must make annually on budget issues and the City's financial condition.

Councilor Reed asked Mr. Geffken to strenuously explore additional grant opportunities. Councilor Reed announced the meeting with the City's vending business tomorrow at 4pm in the Council Office.

Council President Spencer described his position on opposing the Commuter Earned Income Tax ordinance.

Council President Spencer reviewed the Council meeting schedule.

Councilor Acosta moved, seconded by Councilor Sterner, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk

CITY COUNCIL MEETING MONDAY, NOVEMBER 8, 2010

Vaughn D. Spencer, President of Council called the meeting to order.

The invocation was given by Pastor Bruce Osterhout, Christ Lutheran Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer

Councilor Acosta, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Waltman, District 6

Interim Managing Director C. Geffken

City Auditor D. Cituk

City Clerk L. Kelleher

City Solicitor C. Younger

Mayor's Assistant F. Denbowski

Sergeant at Arms, Capt. R. Schafer

Mayor T. McMahon

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Council Commendation recognizing the 150th Anniversary of St. John's Lutheran Church, accepted by Pastor Eckhard Grimm
- Council Commendation recognizing the 25th Anniversary of Roland Stock, accepted by John Roland and Edwin Stock

PUBLIC COMMENT

Council President Spencer announced that eight (8) citizens are registered to address Council about agenda matters and one (1) citizen is registered to address Council about non-agenda matters. He inquired if any Councilors object to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule

requiring non-agenda comment at the end of the meeting was suspended. He reminded those registered to speak of the remaining public speaking rules.

Jacqueline Althouse, of Buttonwood Street, was not present.

David Althouse, of Buttonwood Street, was not present.

Joanne Ross, of Windsor Street, spoke in opposition to the ordinance limiting the number of dogs and cats per household. She expressed the belief that the limitation would create more strays and added that the City has more responsible pet owners than irresponsible owners.

Lenin Agudo, representing the Berks County Latino Chamber of Commerce, distributed the written remarks prepared by the Latino Chamber regarding their opposition to the expansion of parking meter enforcement to Monday through Saturday until 8 pm. He expressed the belief that this expansion will decrease the number of visitors to the downtown area and will jeopardize the downtown businesses. He also expressed the belief that decreasing downtown visitors will also decrease other fees and taxes, such as the Business Privilege Tax, Admissions Tax, etc.

Adam Wagonseller, representing the Legislative Aide Committee, described the Committee's work on the pet limitation ordinance after Council referred the issue to them in early 2010. He explained that the committee decided to move away from an annual permit fee and make the limitation complaint based. He stated that the ordinance would be enforced by the City's Animal Control agent and the decision of the agent can be appealed to the Animal Control Board. He noted that during their work on this issue many surrounding communities adopted limitations that are much more restrictive. He added that many Pennsylvania cities also apply limitations that are more severe. He explained that the case cited by those who oppose this legislation eliminated a blanket type restriction. He stated that communities that base the restriction on health and safety have been found to be constitutional in courts. He asked Council to enact this legislation.

Louis Perguini, of Summit Chase Drive, suggested delaying the vote on the unfunded debt issue as it would free the Administration of any responsibility for their illegal actions regarding the transfer from the sewer fund. He also noted that the sewer money should not be co-mingled with the general fund accounts. He asked Council not to bail the Administration out. He noted that Council should have been informed about this transaction by the Administration, not the City's Act 47 Coordinator.

Angel Figueroa, of Queens Court, expressed the belief that the community should be involved in addressing the City's financial troubles. He also spoke in opposition to expanding parking meter enforcement to Monday through Saturday until 8 pm. He expressed the belief that this action will move Reading in the wrong direction. He suggested eliminating the parking meters. He asked Council not to approve a bond to repay City funds.

Luis Tejada, of South 5th Street, spoke in opposition to the expansion of parking meter enforcement as it will harm downtown businesses.

Andrew Molteni, of Rose Street, spoke in support of BCTV as it provides public education and offers an unfiltered forum. He also spoke in opposition of the unfunded debt ordinance.

Stephen Burgoon, of North 8th Street, distributed some information regarding his uniform business. He stated that after he got the contract for Reading police uniforms, he moved his business into the City from Montgomery County. He described his dissatisfaction with the bidding process and the resulting decision from the most recent bid for police uniforms. He stated that the Administration elected to use a business that is located in West Reading and suggested that the City support businesses located within Reading.

APPROVAL OF THE AGENDA

Council President Spencer called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading. He noted the need to add an ordinance for introduction regarding the increase of various parking fines.

A. Resolution 104-2010 - authorizing the Mayor to execute a FFY2010 (36th CD year - January 1, 2010 to December 31, 2010) Action Plan Amendment to move \$120,000 in CDBG funding from the 2010 Street Lighting activity to the renovation of the Reading Public Library Main and branch locations activity (Community Development)

B. Resolution 105- 2010– naming Berks County Earned Income Tax Collection Bureau (BEIT) as the City's official Tax Collector (Finance)

C. Resolution 106-2010– allowing Berks County Earned Income Tax Collection Bureau (BEIT) to collect taxes other than EIT (Finance)

Mr. Marmarou moved, seconded by Mr. Acosta, to approve the agenda as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting, covering the following:

- Advising of the start of the Quality of Life Ticketing Program
- Thanking Council for supporting the addition of the Property Maintenance Aides
- Suggesting that Council reject the Pet Limitation ordinance
- Updating the public on the budget discussions

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting, covering the following:

- 2010 Franchise Fee collections
- Crossing Guard reimbursement from the Reading School District
- Report on PILOTs 2006-2010

ORDINANCES FOR FINAL PASSAGE

A. Bill No 88-2010 - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees – Vending Machine Fees (**Council Staff**) *Introduced at the October 11 regular meeting; Tabled at the October 25 regular meeting*

Ms. Reed moved, seconded by Mr. Acosta, to enact Bill No. 88-2010.

Council President Spencer described the meetings coordinated by Councilor Reed with the Vending Machine Businesses to address the disparity with the fee increase, based on inspections that were not occurring.

Councilor Reed described the work to find a compromise with the vending machine businesses and to define a fair and workable inspection program. She thanked the City Clerk and Legal Specialist Butler for their assistance.

Councilor Goodman-Hinnershitz noted the productive nature of the meetings and suggested that all issues be handled in a similar manner. She thanked everyone for their assistance.

Councilor Marmarou noted the positive process used to find a reasonable compromise.

Bill No. 88-2010 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman Spencer, President – 6.

Nays – None – 0.

B. Bill No 89-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-503 thereby removing Saturdays as an excepted day for enforcement **(Law)** *Introduced at the October 11 regular meeting; Tabled at the October 25 regular meeting*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 89-2010

Council President Spencer explained that this ordinance will authorize the enforcement of parking meter regulations on Saturdays, which will help to increase Parking Authority Revenue and allow them to assist the City financially.

Councilor Acosta stated that he will not support this ordinance.

Councilor Goodman-Hinnershitz expressed the belief that this ordinance will have a negative impact on downtown businesses. She suggested upgrading the parking meters before beginning this expanded enforcement.

Mayor McMahon stated that the Parking Authority will be testing credit card meters at the beginning of 2011. He stated that the Parking Authority's ability to help hinges on the enactment of this ordinance.

Bill No. 89-2010 was NOT enacted by the following vote:

Yeas: Marmarou, Reed - 2.

Nays: Acosta, Goodman-Hinnershitz, Waltman Spencer, President – 4.

C. Bill No 90-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-504 Thereby extending hours of enforcement between 8:00 am and 8:00 pm **(Law)** *Introduced at the October 11 regular meeting; Tabled at the October 25 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 90-2010

Council President Spencer explained that the expansion of parking meter enforcement until 8 pm will also assist the Parking Authority's effort to assist the City financially.

Councilor Waltman expressed the belief that this expansion represents a hasty move. He suggested a more cognitive approach along with a well thought out plan.

Councilor Goodman-Hinnershitz agreed that improved planning should occur.

Bill No. 90-2010 was NOT enacted by the following vote:

Yeas: Marmarou – 1

Nays: Acosta, Goodman-Hinnershitz, Reed, Waltman Spencer, President – 6.

D. Bill No 91-2010 - amending the Animal Control ordinance by limiting the number of cats and dogs per household (**Legislative Aide Committee/Council Staff**) *Introduced at the October 25 regular meeting*

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 91-2010.

Council President Spencer explained the background of this issue, noting that the issue was referred to the Legislative Aide Committee at the beginning of 2010. He explained the Committee's research and work to develop this ordinance. He stated that many other Pennsylvania municipalities have similar regulations. He noted that the ordinance will be enforced by the City's animal control agent.

Councilor Goodman-Hinnershitz noted concern with the limitation.

Councilor Acosta expressed concern with the perception people have of the enforcement agent and inquired about other enforcement responsibilities. He stated that he will not support the ordinance.

Council President Spencer again explained that the City's animal enforcement agent will enforce this and other regulations contained in the Animal Control ordinance.

Bill No. 91-2010 was NOT enacted by the following vote:

Yeas: Marmarou – 1

Nays: Acosta, Goodman-Hinnershitz, Reed, Waltman Spencer, President – 6.

E. Bill No 92-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 Fiscal Provisions by providing clarifying language regarding Council approval of transfers to and from all City fund accounts **(Waltman/Council Staff)) Introduced at the October 25 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to table Bill No. 92-2010.

Bill No. 92-2010 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman Spencer, President – 6.

Nays – None – 0.

F. Bill No 93-2010 - approving the enactment of the Ordinance authorizing (1) the issuance of a series of General Obligation Bonds in the maximum aggregate principal amount of not to exceed \$20,000,000, to finance the funding of certain unfunded debt of the City and to pay the costs of issuance of the Bonds; (2) the execution and delivery of (a) a Bond Purchase Proposal from Wells Fargo Bank, National Association for the purchase of the Bonds on the terms and conditions established in the Ordinance and (b) an Addendum to such Bond Purchase Proposal which will be delivered by Wells Fargo Bank, National Association upon the final pricing of the Bonds and (3) the execution and delivery of such other agreements, certificates, instruments and documents necessary in connection with the issuance of the Bonds subject to the review and approval of such agreements, certificates, instruments and documents by bond counsel to the City **(Finance) Introduced at the September 27 regular meeting**

Councilor Reed moved, seconded by Mr. Acosta, to enact Bill No. 93-2010.

Interim Managing Director Geffken explained that this bond will clean the City's financial slate resulting from the borrowing of money from the sewer fund, allow the pension payment, etc.

Councilor Waltman stated that he will not support this ordinance as it is a slap in the taxpayers' face.

Council Goodman-Hinnershitz expressed the belief that this issue is the culmination of the overuse of one time financial fixes. She stated that this is a difficult issue but will

support it due to the addition of other correctional efforts such as the addition of a Controller.

Councilor Reed expressed the belief that the City has established additional controls such as those in the Act 47 Recovery Plan that will assist the City moving forward. She stated that she will support this ordinance with regret, as there is no other alternative.

Councilor Acosta stated that this transaction is like paying off one credit card with another credit card. However, he stated that repercussions will occur if the transaction is not approved. He stated that although this is a risky transaction he will support it as no other solution was identified. He stated that the Act 47 Coordinator required the City to approve this transaction.

Councilor Waltman stated that the Administration was unwilling to explore alternative options or solutions.

Bill No. 93-2010 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Spencer, President – 5.

Nays: Waltman – 1.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - amending the City of Reading Codified Ordinances Chapter 10 Part 19 by creating a Vending Machine section which establishes a permit, permit fee, inspection, inspection fee and penalties for the operation of all vending machines in the City of Reading and providing for an appeal board and procedures, penalties as well as renumbering the sections as required, as attached in exhibit a **(Law)**

B. Ordinance - recognizing the members of the Reading Main Street Program Board and authorizing the Board to carry out the goals & objectives of the Reading Main Street Program in accordance with the policies of the Department of Community and Economic Development of the Commonwealth of Pennsylvania **(Law/Community Development)**

C. Ordinance – ordering an investigation under the authority of the Home Rule Charter Section 216, regarding the use of sewer funds (Council Members)

D. Ordinance – increasing violation fines for various non-meter parking regulations as required by the Act 47 Recovery Plan (RE03 & PA02)

RESOLUTIONS

A. Resolution 107-2010 – authorizing submission of the FFY2011 Action Plan to the United States Department of Housing and Urban Development (**Community Development**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution No. 107-2010.

Council President Spencer explained that the Action Plan provides the City with approximately \$3M from HUD annually for community development projects.

Councilor Goodman-Hinnershitz stated that she will support this community-wide broad-based plan. She thanked the Administration for working with Council to develop this plan.

Councilor Reed noted her agreement with the positive approach used to develop this plan. However, she stated that she will not support the plan as it funds BCTV.

Resolution No. 107-2010 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Spencer, President – 5.

Nays: Waltman – 1.

B. Resolution 108-2010– appointing Brian Burket to the Planning Commission (**Admin Oversight**)

C. Resolution 109-2010– reappointing Robert Swope to the Board of Ethics (**Admin Oversight**)

The Administrative Oversight committee moved to adopt Resolutions 108 and 109-2010.

Councilor Marmarou noted the skill and enthusiasm of those being appointed this evening. Councilors Reed and Acosta voiced their agreement.

Resolutions No. 108 and 109- 2010 were adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman, Spencer, President – 6.

Nays: None – 0.

COUNCIL COMMENT

Councilor Marmarou noted the College Heights Community Council meeting scheduled for Sunday, November 14th at the Nativity Lutheran Church. He stated that the Orangestone and the historic district issues will be discussed.

Councilor Goodman-Hinnershitz thanked the Administration for assisting with the parking situation at Pendora Park. She reminded the Administration of the need to prepare traffic regulation ordinances to correct various traffic regulation changes.

Councilor Goodman-Hinnershitz inquired about the repaving of Cotton Street and the 11th and Penn area. She also congratulated District 2 for having a safe and happy Halloween.

Interim Managing Director Geffken stated that the Administration has decided to rebid for police uniforms.

Council President Spencer suggested that in the future the Administration reach out to individual businesses to garner support for expanded parking meter enforcement rather than reaching out to only the Chamber. He stated that many small businesses are not Chamber members.

Council President Spencer expressed the belief that the Pet Limitation ordinance was a fair and reasonable approach to a difficult issue. He noted the many people who reside near homes that reek of cat urine and animal feces.

Council President Spencer stated that while he disagrees with the unfunded debt concept he supported it as no viable alternative was presented by the Administration. He stated that this transaction will provide the City with the money it needs to carry through 2010. He also noted that Council was told by the Act 47 Coordinator that Council had no choice and had to approve the transaction, since it was a component of the Act 47 Recovery Plan.

Council President Spencer stated that the Administration's claim that Council's lack of annual support for property tax increases caused much of the City's financial problems is totally incorrect. He stated that better management of City issues by the Administration would have prevented the problems faced by the City today.

Interim Managing Director Geffken announced that a Business Seminar is scheduled tomorrow morning in Council Chambers.

Councilor Acosta moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

RESOLUTION _____-2010
CITY OF READING CITY COUNCIL

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program (“RACP”); and

WHEREAS, the City of Reading has identified the redevelopment of Francis Hall on the campus of Alvernia University by way of certain improvements to, among other things, its lobby entrance, as a project eligible for such assistance (the “Project”); and

WHEREAS, the Project will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact through the enhancement of Alvernia University’s campus.

NOW THEREFORE BE IT RESOLVED, that the Mayor is authorized to file an application for RACP funds in the amount of \$500,000.00 for Alvernia University. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania.

Adopted on _____, 2010

By: _____
Vaughn D. Spencer
President of Council

ATTEST:

Linda A. Kelleher
City Clerk

COOPERATIVE ECONOMIC REDEVELOPMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2010, by and between the CITY OF READING (referred to as "City"), a Pennsylvania municipal corporation with its main office at 815 Washington St., Reading, PA 19601, and ALVERNIA UNIVERSITY (referred to as "Alvernia"), a Pennsylvania non-profit corporation with its main office at 400 Saint Bernardine Street, Reading, PA 19607-1799.

BACKGROUND

A. The City has expressed its desire to facilitate the redevelopment of Francis Hall on the campus of Alvernia, 400 Saint Bernardine Street, Reading, Berks County, Pennsylvania by way of certain improvements, among others, to its lobby entrance (referred to as the "Project").

B. The City has passed Resolution ____-2010, a copy of which is attached hereto as Exhibit "A", authorizing the Mayor of the City to obtain various funding for the Project and also authorizing him to execute all necessary documents and agreements to complete the Project.

C. Alvernia has taken appropriate corporate action to authorize Alvernia to apply, through the City, for a RACP grant and also to authorize the Vice President of Alvernia to execute all necessary documents and agreements to complete the project. A copy of said Resolution is attached hereto and incorporated herein as Exhibit "B."

D. The Project will provide employment opportunities in the City, promote economic development in the City and have a regional, multi-jurisdictional impact through the advancement of Alvernia's campus.

E. The City through its Mayor has specifically applied for a RACP grant in the amount of Five Hundred Thousand Dollars (\$500,000) for the Project with Alvernia as subgrantee.

F. The City has executed a RACP Grant Agreement for the Project (Contract No. ME _____) (referred to as "Grant Agreement"), a copy of which is attached hereto as Exhibit "C".

G. The Grant Agreement requires the City and Alvernia to enter into a Cooperative Economic Redevelopment Agreement.

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND, the parties agree as follows:

1. The Background Clauses set forth above are incorporated herein by reference.
2. The City and Alvernia shall use their best efforts to achieve completion of the Project, execute any necessary documents related thereto and shall comply with any and all RACP terms and conditions of the Grant Agreement and the Redevelopment Assistance Program.
3. This Agreement shall not be recorded by either party.

IN WITNESS WHEREOF, the parties intending to be legally bound hereby set their hands and seals on the day and year first above written.

CITY OF READING

By: _____
Thomas M. McMahon, Mayor

Attest:

Linda A. Kelleher, City Clerk

ALVERNIA UNIVERSITY

By:_____

Douglas F. Smith, Vice

President



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: November 22, 2010
AGENDA MEMO DATE: October 17, 2010
RECOMMENDED ACTION: Awarding of Contract for Installation and Rental of Bulk Oxygen Systems for the Waste Water Treatment Plant and the Sixth and Canal Street Pumping Station and the Supply of Oxygen for Both Locations for a One-Year Period for the Department of Public Works.

RECOMMENDATION

The recommendation is to award the contract to GTS-Welco (PDMA), 5275 Tilghman Street, Allentown, PA 18107, who is the low bidder at the unit prices submitted.

BACKGROUND

Bids for the installation and rental of bulk oxygen systems for the Waste Water Treatment Plant and the Sixth and Canal Street Pumping Station and the supply of oxygen for both locations for a one-year period were received on September 28, 2010.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works and Accounting have confirmed there are sufficient funds in budget account code 54-07-44-4513 with \$431,153.00 remaining after the FY 2010 contract funds are encumbered.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the October 25, 2010 meeting.

RECOMMENDED BY

The Mayor, Interim Managing Director, Directors of Administrative Services and Public Works and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the contract for the installation and rental of bulk oxygen systems for the Waste Water Treatment Plant and the Sixth and Canal Street Pumping Station and the supply of oxygen for both locations for a one-year period for the Department of Public Works in order that the contract may be awarded to GTS-Welco.

cc: File

September 28, 2010

To the Mayor

City Hall

Reading, PA

The following bid was opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 9008-10 FOR INSTALLATION AND RENTAL OF BULK OXYGEN SYSTEMS FOR THE WASTEWATER TREATMENT PLANT AND THE SIXTH & CANAL ST PUMPING STATION AND THE SUPPLY OF OXYGEN FOR BOTH LOCATIONS FOR THE CITY OF READING, PENNSYLVANIA

GTS-Welco (PDMA)

5275 Tilghman Street

Description

Allentown, PA 18104

A. Installation of Bulk Oxygen system at Fritz Island

6,000-7,200 gallon tank \$0.00

B. Installation of Bulk Oxygen system at 6th & Canal

6,000 gallon tank \$0.00

C. Monthly rental for bulk oxygen tank & vaporization system at Fritz Island

Per Month \$800.00

D. Monthly rental for bulk oxygen tank & vaporization system at 6th & Canal

Per Month \$967.00

E. Installation of EFF-OXY system or approved equal at Fritz Island

\$0.00

F. Installation of automatic oxygen control package at 6th & Canal

\$0.00

G. Monthly rental for EFF-OXY system or approved equal at Fritz Island

Per Month \$4,640.00

Description

GTS-Welco (PDMA)

H. Monthly rental for automatic oxygen control package at 6th & Canal

Per Month \$700.00

I. Unit price for supplying 803,000 SCF, more or less, of gaseous oxygen per month for a one (1) year period at Fritz Island

\$0.0030

J. Total for supplying 9,636,000 SCF, more or less, of gaseous

oxygen for a one (1) year
period at Fritz Island \$138,000.00

K. Unit Price for supplying
1,095,000 SCF, more or less, of
gaseous oxygen per month for a
one (1) year period at 6th &
Canal \$0.0030

L. Total for supplying 13,400,000
SCF, more or less, of gaseous
oxygen for a one (1) year period
at 6th & Canal \$40,200.00

M. Furnishing portable oxygen
tanks (oxygen industrial
liquid 180LHP) for seasonal
summer use from May to
September as plant opera-
tions dictate
Per tank per month \$10.00

N. Unit price per SCF for
supplying 10,000 SCF gaseous
oxygen for the portable tanks \$0.0500

TAMMI REINHART
Purchasing Coordinator

RESOLUTION NO. _____-2010

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Solicitor for the City of Reading or his designee is hereby authorized and directed to take all necessary and appropriate action required for the City of Reading to intervene in the matter of Orange Stones v. City of Reading Zoning Hearing Board, Docket No. 10-21332, an appeal of the October 13, 2010 Decision of the Zoning Hearing for the City of Reading in Appeal 2010-40 denying the application for a non-conforming use at 1711 Hampden Boulevard, Reading, Pennsylvania. Said intervention shall be in support of the Decision of the City of Reading Zoning Hearing Board. The Solicitor for the City of Reading or his designee is hereby further directed and authorized to take all necessary action to represent the interest of the City of Reading as an intervening party in the aforesaid legal action including any appeals of this matter to an appellate court of the Commonwealth of Pennsylvania.

Passed Council _____, 2010

President of Council

Attest:

City Clerk

(City Clerk/City Solicitor)

ORDINANCE ____-2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION AND GOVERNMENT, SECTION 186 FISCAL PROVISIONS BY PROVIDING CLARIFYING LANGUAGE REGARDING COUNCIL APPROVAL OF TRANSFERS TO AND FROM ALL CITY FUND ACCOUNTS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Amending The City Of Reading Codified Ordinances Chapter 1 Administration And Government, Section 186 Fiscal Provisions #3 Regulations Concerning Appropriations and Transfers by providing clarifying language regarding Council Approval Of Transfers To And From All City Fund Accounts. §1-186. Fiscal Provisions.

3. Regulations Concerning Appropriations and Transfers.

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a financial procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the managing director, and Council. This monthly report shall include all Expenditures, borrowing, or any use for each City Department and each City Fund account, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer, borrowing, or any use of funds within departments, between departments and within or between City Funds account.

C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget

D. Justification for transferring, borrowing or any use of funds between departments and/or City Fund accounts must be presented to and approved by Council. The financial procedures manual will stipulate the following:

- (1) Expenditure procedures.

- (2) Justification procedures for transferring money between line items.
- (3) Justification procedures for transferring money between department.
- (4) Administration of petty cash funds.
- (5) Justification procedures for transferring, borrowing, or any use of money between City Fund accounts.**

E. Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer, borrowing, or any use of all monies including, but not limited to, transfers, borrowing, or any use of funds between departments, and transfers, borrowing, or any use of funds in and out of any City Fund account, account or line item either attached in part or unattached to a departmental budget. *The City Funds include all general, operating, capital and enterprise funds.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer, borrowing, or any use of funds and the proposed use for the funds transferred **at least 2 weeks before the transfer is required.** [Ord. 36-2000]

F. *Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$10,000.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, borrowed or used at least 2 weeks before the transfer is required. [Ord. 54-2009]

G. Requiring City Council approval, via ordinance, for the following:

- (1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
- (2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year prior to those expenditures occurring. [Ord. 36-2000]
- (3) All expenditures and allocations of \$50,000 or more from and to any and all agency funds and any and all line-items falling in the Departmental: Non Departmental area of the General Fund. [Ord. 4-2009]

SECTION TWO. All other parts of the Ordinance remain unchanged.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

(Waltman & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2010
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 10 PART 19 BY CREATING A VENDING MACHINE SECTION WHICH ESTABLISHES A PERMIT, PERMIT FEE, INSPECTION, INSPECTION FEE AND PENALTIES FOR THE OPERATION OF ALL VENDING MACHINES IN THE CITY OF READING AND PROVIDING FOR AN APPEAL BOARD AND PROCEDURES, PENALTIES AS WELL AS RENUMBERING THE SECTIONS AS REQUIRED, AS ATTACHED IN EXHIBIT A.

Section 1. Amending the City of Reading Codified Ordinances Chapter 10 Part 19 by creating a vending machine section which establishes a permit, permit fee, inspection, inspection fee and penalties for the operation of all vending machines in the City of Reading and providing for an appeal board and procedures, penalties as well as renumbering the sections as required, as attached in Exhibit A.

Section 2. All other parts of the Ordinance remain unchanged.

Section 3. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2010

President of Council

Attest:

City Clerk

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Chapter 10
Part 19
VENDING MACHINES

§10-1901. Purpose

The purpose of this Part is to provide for the regulation of vending machines in the City of Reading. The City of Reading has the responsibility to protect the public health and welfare of its residents and visitors. It is the finding of City Council that the regulation of vending machines is necessary to achieve this end.

§10-1902. Title

This part shall be known as the “Vending Machine Ordinance.”

§10-1903. Interpretation

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general public health and welfare of the residents of and visitors to the City of Reading.

Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

§10-1904. Definitions

For the purpose of this Part, certain terms shall be defined as follows:

OPERATOR means a person who manages a vending machine in the City of Reading.

PERMIT means the written authorization, issued by the City of Reading, to operate a vending machine within the City of Reading.

PROPERTY MAINTENANCE DIVISION means a division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing, property maintenance and trade.

VENDING LICENSE BOARD OF APPEALS means the Board authorized to hear appeals of and render decisions in matters concerning aggrieved applicants whose vending permits have been denied, suspended, revoked or is not renewed pursuant to this Part.

VENDING MACHINE means any self-service device offered for public use which, upon insertion of a coin, coins or token, or by similar means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation.

VENDING MACHINE BANK means two or more vending machines on an account or at a given location.

VENDING MACHINE ENCLOSED means a vending machine located within a building.

VENDING MACHINE PUBLIC RIGHT OF WAY means a vending machine located in any approved location which is legally open to public use and is located on a public street, alley, sidewalk, and roadway.

§10-1905 Permit Required

A. No person shall operate one or more vending machines without a valid permit(s) issued by the Property Maintenance Division. Persons who do not comply with the requirements of this ordinance shall not be entitled to operate a vending machine in the City of Reading. The City of Reading is excluded from this Part. Permit(s) are not transferable.

B. The operator’s company name and service telephone number shall be displayed on each vending machine or conspicuously adjacent to the vending machine bank.

C. All operators of vending machines shall:

1. Comply with the requirements of this ordinance;
2. Maintain at the operator's headquarters or at some other designated location a list of all vending machines operated by such operator within the jurisdiction and the complete address of each machine location or other establishments from which his/her machines are serviced. This information shall be available to the Property Maintenance Division upon request, and shall be kept current; and
3. Notify the Property Maintenance Division of any change in operations involving new types of vending machines or conversions of existing machines to dispense products other than those for which the machines were built.

§10-1906 Issuance of Permit(s)

A. Any person desiring to operate one or more vending machines shall make written application for a permit(s) on forms provided by the Property Maintenance Division that will include registration information on each vending machine to be located within the City of Reading.

B. Upon receipt of such application, the Property Maintenance Division shall make an inspection of the vending machine and equipment location to ensure that the vending machine and equipment location are compliant with all City of Reading Ordinances including the Health, Plumbing and Electrical Codes and Zoning Ordinance.

C. A numbered operator's permit(s) shall be issued to the applicant by the Property Maintenance Division after compliance by the Operator with the applicable provisions of this ordinance. The Property Maintenance Division will track the vending machines by using the operator's permit number.

D. All vending operation locations in the public right of way must be approved by the Property Maintenance Division.

E. Existing vending machine Operators shall register their current vending machines with the Property Maintenance Division for the 2011 permit year.

§10-1907 Permit Fees. The Operator shall submit an application and an annual permit fee to operate one or more vending machines. Every Operator requesting to have an enclosed vending machine or a vending machine bank shall pay an annual permit fee of \$12.00 per machine for the privilege of operating a vending machine. Every Operator requesting a vending machine on the public right of way shall pay an annual permit fee of \$20.00 for the privilege of operating a vending machine in the public right of way.

§10-1908 Permit Renewal and Expiration. All vending machine permits shall begin January 1st and expire on December 31st of each year. It shall be the responsibility of each vending machine Operator to see that his machine(s) is/are properly permitted by the Property Maintenance Division.

§10-1909 Suspension of Permit(s)

A. The Property Maintenance Division may, without prior warning, notice or hearing, suspend any permit(s) to engage in a vending operation if the operation constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by paragraph B. When any permit is suspended, vending operations shall immediately cease. Whenever any

permit is suspended, the operator shall be afforded the opportunity for a hearing with the Vending License Board of Appeals within 20 days of receipt of a request for a hearing.

B. Whenever any permit is suspended, the operator shall be notified in writing that the permit(s) is, upon service of this notice, immediately suspended and that an opportunity for a hearing will be provided if a written request of a hearing is filed with the Vending License Board of Appeals by the operator within 5 days. If no request for hearing is filed within 5 days, the suspension is sustained. Prior to the hearing, the Property Maintenance Division may end the suspension if reasons for the suspension no longer exist.

C. A sustained suspension may be rescinded by the Vending License Board of Appeals after the Property Maintenance Division has confirmed by inspection that the requirements of this ordinance have been satisfied.

D. The Vending License Board of Appeals, in lieu of suspending any permit, may suspend applicability of the permit to a particular vending machine, machines or specific products.

§10-1910 Revocation of Permits. Prior to revocation, the Property Maintenance Division shall notify in writing the operator of the reasons for which the permit(s) is subject to revocation. Any permit may be revoked for serious or repeated violations of any of the items of this ordinance as delineated on the inspection report form or for interference with the Property Maintenance Division in the performance of its duties. The permit(s) shall be revoked at the end of 5 days following service of a revocation notice. Unless a request for a hearing is filed with the Property Maintenance Division by the operator within such a 5 day period, the revocation of the permit(s) becomes final.

§10-1911 Service of notices. A notice provided for in this ordinance is properly served when such notice is posted in a conspicuous place on the vending machine, posted on the property of which the vending machine is located, delivered to the operator or when it is sent by first class or certified mail, return receipt requested, to the last known address of the operator. A copy of any notice shall be filed in the records of the Property Maintenance Division.

§10-1912 Inspections

A. Inspection frequency. The Property Maintenance Division shall select a minimum of ten (10) machines or no more than 33.3% of an Operator's vending machines (to be identified by the Property Maintenance Division) located within the City of Reading for inspection.

B. Access for inspection. The Property Maintenance Division, after proper identification, shall be permitted to enter at any reasonable time and after reasonable notice, upon any private or public property where vending machines are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the provisions of this ordinance. The operator shall make provision for the Property Maintenance Division to have access, either in company with an employee or otherwise, to the interior of all food vending machines operated by him.

C. Notification of inspection findings. Whenever an inspection of food vending machines is made, a copy of the completed inspection form set out in this Part shall be furnished to the operator. Whenever the Property Maintenance Division discovers a violation of any provision of this ordinance, it shall notify the operator concerned either by the inspection report form set out in this Part or by other written notice. Such form or notice, which is a public document shall:

1. Describe the condition found;

2. Provide a specific and reasonable period of time for the correction of the condition; and
3. State that an opportunity for a hearing on inspection findings will be provided if a written request for such hearing is filed with the Property Maintenance Division within 5 days of receipt of the notice. The Property Maintenance Division may also advise the operator in writing that unless the violations are corrected within the specified period of time, any permit issued under the provision of this ordinance may be suspended or revoked in accordance with the provisions of this Part, or court action may be initiated.

D. Inspection fee. On the year of inspection, every operator shall pay an inspection fee of \$45.00 per machine for those machines that are inspected. The cost of inspection for a vending machine bank shall be \$45 plus \$10 for each additional machine located within the vending machine bank.

E. Report Forms. Inspection report forms will be provided by the Property Maintenance Division.

§10-1913 Penalty. Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 - \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

§10-1914 Construction and Severability. In the event any provision, section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

§10-1915 Enforcement. This Part will be enforced under the jurisdiction of the Property Maintenance Division.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF READING RECOGNIZING THE MEMBERS OF THE READING MAIN STREET PROGRAM BOARD AND AUTHORIZING THE BOARD TO CARRY OUT THE GOALS & OBJECTIVES OF THE READING MAIN STREET PROGRAM IN ACCORDANCE WITH THE POLICIES OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA.

WHEREAS, The City of Reading (the “City”) is desirous of administering a Reading Main Street Program with support from the Department of Community and Economic Development of the Commonwealth of Pennsylvania (“DCED”) and the Pennsylvania Downtown Center (“PDC”) in accordance with the PA New Communities Program for prevention and elimination of blight under Section 4(C) of the Housing and Redevelopment Assistance Law as amended and

WHEREAS, The City of Reading Department of Community Development will administer the Reading Main Street Program and

WHEREAS, The Reading Department of Community Development has created the necessary framework and volunteer Board of Directors to guide the Reading Main Street Program, NOW, THEREFORE

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

The City of Reading recognizes that a blighting influence exists because of urban decay and continued divestment in the Central Business District of the City of Reading, Berks County, Pennsylvania (the “City”) in and around Penn Street from Front Street to 11th Street and from Franklin Street to Walnut Street within the City. The Reading Main Street Program Board is hereby authorized and shall consist of nine (9) members, who shall be recommended by the Mayor and approved by City Council for a term of three (3) years, and a liaison. The Reading Main Street Program Board of Directors and the Reading Department of Community Development will administer a Main Street Program that will 1) promote a sense of community and unified purpose, 2) assure the historic continuity of the City’s architectural heritage, 3) improve the image and perception of the City to residents and visitors and 4) strengthen economic rejuvenation of property and commerce for the benefit of all.

BE IT FURTHER ORDAINED, that the City has allocated the sum of \$200,000 in its Community Improvement Program (“CIP”) budget to support the administration of the Reading Main Street Program over a period of five years from FY-2010 through FY-2014.

BE IT FURTHER ORDAINED, that the Reading Department of Community Development will seek grant funding and other contributions over time to accomplish the goals & objectives as set forth.

BE IT FURTHER ORDAINED, that the Clerk of the City is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to DCED.

DULY ADOPTED this ____ day of _____, 2010

By: _____
Vaughn Spencer, President

Attest: _____
Linda Kelleher, City Clerk

BILL NO. _____-2010
A N O R D I N A N C E

**IN ACCORDANCE WITH THE CITY OF READING HOME RULE CHARTER
SECTION 210 - INVESTIGATIONS, CITY COUNCIL AUTHORIZES AN
INVESTIGATION, AUDIT, AND STUDY OF THE UNAUTHORIZED USE OF
SEWER FUNDS BY THE CITY ADMINISTRATION.**

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. In accordance the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an investigation as follows:

1. That an independent investigation of the City of Reading Mayor’s Office, Managing Director’s office, the Finance Department, and all other city and non-city entities or persons who may have used, or collaborated on the use, of the City of Reading sewer funds, the planning on the use of those funds, and the longer term strategies regarding explanation and/or payment options to the City of Reading residents and City Council. The scope should include but not be limited to determining the following:
 - a. Who(m) ultimately directed the use of the sewer funds outside of the governing laws of the City of Reading?
 - b. Who(m) decided and collaborated not to include City Council in the financial decision making process?
 - c. What criteria were used to determine the funds should be taken?
 - d. What budget amendments were suggested to address the related financial concerns?
 - e. Why no efforts were made to meet with City Council to discuss more appropriate actions?
 - f. What entities or organizations (internal and external) were utilized for guidance in the decisions?
 - g. What controls existed in the spending of those dollars?
 - h. What analysis was done to identify the original revenue weaknesses?
 - i. Who, if anyone, provided any legal guidance to those involved?

- j. What financial trail exists to determine the dollars were appropriately spent?
 - k. Was there in any way a deliberate and conspiring effort to not inform City Council of the actions that were being taken?
 - l. What was the complete financial impact/exposure to the City of Reading due to loss revenue, lack of budget adjustments, legal and financial costs, interest payments on replacement costs, and any and all other related costs to this matter.*
 - m. What, if any, actions could be taken to remedy any losses, liabilities and costs that were a result of any inappropriate, illegal, or malfeasant behavior(s) that may be determined.*
 - n. What systemic changes could be taken to assure the general public any inappropriate, illegal, or malfeasant behaviors that may be found could be implemented.*
- 2. That City Council agrees to retain an independent individual and/or investigative organization to conduct the investigation of the use of the City of Reading sewer funds and to determine any and all City of Reading Charter violations or violations of law.
 - 3. That all powers provided by Section 210 of the City of Reading Home Rule Charter be utilized as necessary to obtain a sufficient investigation.
 - 4. That all City of Reading employees cooperate with the investigation.

SECTION 2: Also in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council authorizes the expenditure of City funds to undertake the investigation of the use of Sewer Funds as set forth herein.

SECTION 3: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2010

President of Council

Attest:

City Clerk

(Members of Council)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2010

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, SECTION 15-416 INCREASING THE VIOLATION FOR VARIOUS PARKING REGULATOINS AS REQUIRED BY THE ACT 47 RECOVERY PLAN (RE03 & PA02)

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-416 as follows:

§15-416. Notice of Violation; Waiver.

1. Any police officer or duly authorized Parking Authority employee shall place on motor vehicles/conveyances parked in violation of the provisions of this Part, a notice for the owner or operator.
2. Whenever any vehicle is caused, allowed or permitted by any person to be parked in an area in violation of any parking restriction or parking regulation either in this Part or as otherwise provided by law, notification of the violation may be given by the placing of a parking violation notice or copy thereof upon or within such vehicle, indicating: the dollar amount of the penalty charged and that such penalty charge shall be paid to the Reading Parking Authority within 240 hours from the time of the violation; and the place where the penalty charge shall be paid and the manner of payment. All unlawful parking penalties shall be paid no later than 30 days after the date of the violation. If the owner or operator fails to make payment as aforesaid, a citation shall be issued pursuant to Rule of Criminal Procedure 401.
3. Unlawful parking penalty charges for violations of the herein enumerated Sections of this Part prior to issuance of a citation or other legal process are as follows:

Code	Penalty	After 240 Hours
§15-401 Parking in Prohibited Areas	\$25 <u>\$35</u>	\$40 <u>\$55</u>
§15-402 Parking Limited in Designated Areas	\$25 <u>\$35</u>	\$40 <u>\$55</u>
§15-403 Parking Prohibited in Specific Areas	\$25 <u>\$30</u>	\$40 <u>\$50</u>
Stop, stand or park a vehicle in a traffic lane	\$75 <u>\$85</u>	\$85 <u>\$100</u>

Code	Penalty	After 240 Hours
On a sidewalk	\$50 <u>\$60</u>	\$70 <u>\$85</u>
Within an intersection	\$25 <u>\$35</u>	\$40 <u>\$55</u>
On a crosswalk	\$25 <u>\$35</u>	\$40 <u>\$55</u>
Between a safety zone and the adjacent curb	\$25 <u>\$35</u>	\$40 <u>\$55</u>
Alongside or opposite any street excavation	\$25 <u>\$35</u>	\$40 <u>\$55</u>
Upon any bridge or other elevated structure	\$25 <u>\$35</u>	\$40 <u>\$55</u>
On any railroad tracks	\$25 <u>\$35</u>	\$40 <u>\$55</u>
In the area between roadways of a divided highway	\$25 <u>\$35</u>	\$40 <u>\$55</u>
At any place where official signs prohibiting stopping	\$25 <u>\$35</u>	\$40 <u>\$55</u>
Stand or park a vehicle in front of a public driveway or private driveway upon complaint received	\$50 <u>\$60</u>	\$70 <u>\$85</u>
Within 15 feet of a fire hydrant [Ord. 60-2006]	\$75 <u>\$85</u>	\$85 <u>\$100</u>
Within 20 feet of a crosswalk at an intersection	\$25 <u>\$35</u>	\$40 <u>\$55</u>
Within 30 feet upon the approach to any flashing signal, stop, yield or signal	\$25 <u>\$35</u>	\$40 <u>\$55</u>
Within 20 feet of the driveway entrance to a fire station	\$25 <u>\$35</u>	\$40 <u>\$55</u>
Preventing the free movement, streetcar, municipal bus or public transportation	\$25 <u>\$35</u>	\$40 <u>\$55</u>
On limited access highways unless authorized by official traffic control devices	\$25 <u>\$35</u>	\$40 <u>\$55</u>
At any place where official signs Prohibit standing	\$25 <u>\$35</u>	\$40 <u>\$55</u>
At a yellow curb	\$25 <u>\$35</u>	\$40 <u>\$55</u>
Park a vehicle within 50 feet of the nearest rail or railroad crossing	\$25 <u>\$35</u>	\$40 <u>\$55</u>
At any place where official signs prohibit Parking	\$25 <u>\$35</u>	\$40 <u>\$55</u>
In an alley less than 18 feet wide	\$25 <u>\$35</u>	\$40 <u>\$55</u>
§15-404 Blocked Garages	\$25 <u>\$35</u>	\$40 <u>\$55</u>
§15-405 Greasing or Repair Work	\$70 <u>\$80</u>	\$125 <u>\$145</u>
§15-407 Storage of Vehicles on Streets	\$50 <u>\$60</u>	\$100 <u>\$115</u>

Code	Penalty	After 240 Hours
§15-408 Illegally Registered, Uninspected or Inoperable Vehicles	\$50 <u>\$60</u>	\$100 <u>\$115</u>
§15-418 Hazardous Vehicle	\$50 <u>\$60</u>	\$100 <u>\$115</u>
§15-409 Parking Prohibited on Private Property	\$50 <u>\$60</u>	\$70 <u>\$85</u>
§15-603 Daytime Parking Restrictions	\$25 <u>\$35</u>	\$75 <u>\$90</u>
§15-420 Parked Against Traffic Flow	\$25 <u>\$35</u>	\$40 <u>\$55</u>
§15-410 Handicapped Space no Plate, Placard	\$125 <u>\$135</u>	\$200
§15-407 48 Hour Parking Restriction Tractor Trailer	\$100 <u>\$110</u>	\$200
§15-417 Residential Parking Permit Required	\$15 <u>\$25</u>	\$25 <u>\$40</u>

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

(Parking Authority & Mayor)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO.____-2010

AN ORDINANCE

LEVYING THE REAL ESTATE TAXES FOR THE FISCAL YEAR BEGINNING THE FIRST DAY OF JANUARY, 2011, AND ENDING THE THIRTY-FIRST DAY OF DECEMBER, 2011.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. A tax of fourteen and three hundred and thirty-four thousandths mills (0.014334) on the dollar, or fourteen dollars and thirty-three point four cents (\$14.334) on each one thousand dollars is hereby levied and assessed for the fiscal year beginning the first day of January, 2011, and ending the thirty-first day of December, 2011, on all real property in the City of Reading taxable for County purposes.

SECTION 2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 3. This Ordinance shall be effective January 1, 2011, said date being the beginning of the fiscal year of the City of Reading.

Enacted_____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. _____ 2010

AN ORDINANCE

AN ORDINANCE AMENDING CHAPTER 24 PART 2B HOME RULE EARNED INCOME TAX SECTION 24-221 THROUGH SECTION 24-235 OF THE CITY OF READING CODIFIED ORDINANCES. SECTION 24-221 THROUGH SECTION 24-235 SHALL PROVIDE FOR A TAX OF ONE AND SIX TENTHS PERCENT (1.6%) ON ALL EARNED INCOME AND NET PROFITS GENERATED BY RESIDENTS OF THE CITY OF READING. THIS TAX OF ONE AND SIX TENTHS PERCENT (1.6%) ON ALL EARNED INCOME AND NET PROFITS GENERATED BY RESIDENTS OF THE CITY OF READING SHALL BE IN ADDITION TO THE TAX COLLECTED UNDER 24-201 ET SEQ. OF THE CITY OF READING CODIFIED ORDINANCES.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 24-221 through Section 24-235 of the City of Reading Codified Ordinances shall read as follows:

<C:\Documents and Settings\lakelleher\Local Settings\Temporary Internet Files\Content.Outlook\pdf\ARTICLE0333.pdf>Chapter 24 Part 2B

Home Rule Earned Income Tax

- 24-221 Definitions.
- 24-222 Imposition of Tax.
- 24-223 Annual Returns of Taxpayers.
- 24-224 Declaration and Payment of Tax.
- 24-225 Collection at Source.
- 24-226 Income Tax Officer; Powers and Duties.
- 24-227 Suit for Collection of Tax.
- 24-228 Interest on Unpaid Tax.
- 24-229 Payment and Refunds.
- 24-230 Applicability.
- 24-231 Severability.
- 24-232 Effective Term.
- 24- 233 Rules and Regulations.
- 24-234 Hearing Officer.
- 24- 239 Penalty.

24-221 DEFINITIONS.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

(a) "Association" means a partnership, limited partnership or any other unincorporated group of two or more persons.

(b) "Tax Administration" means the City of Reading Tax Administration designated by Council to administer the provisions of this Earned Income Tax article under the direction of the Finance Director.

(b) "Business" means an enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association or any other entity.

(c) "Corporation" means a corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory, foreign country or dependency.

(d) "Council" means the City Council of Reading.

(e) "Current year" means the calendar year for which the tax is levied.

(f) "Domicile" means the place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

(g) "Earned income" means salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property not including, however, wages or compensation paid to persons on active military service, periodic payments for sickness and disability other than regular wages received during a period of sickness, disability or retirement, or payments arising under workmen's compensation acts, occupational disease acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment, or payments commonly known as public assistance, or unemployment compensation payments by any governmental agency, or payments to reimburse expenses, or payments made by employers or labor unions for wage and salary supplemental programs, including, but not limited to, programs covering

hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.

(h) "Employer" means a person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for a salary, wage, commission or other compensation.

(i) "Income Tax Officer" or "Officer" means a person, public employee or private agency designated by the governing body to collect and administer the tax on earned income and net profits.

(j) "Net profits" means the net income from the operation of a business, profession or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession, or other activity, but without deduction of taxes based on income.

(k) "Nonresident" means a person, partnership, association or other entity domiciled outside the taxing district.

(l) "Person or individual" means a natural person.

(m) "Preceding year" means the calendar year before the current year

(n) "Resident" means a person, partnership, association or other entity domiciled in the taxing district.

(o) "Succeeding year" means the calendar year following the current year.

(p) "Taxpayer" means a person, partnership, association or any other entity required hereunder to file a return of earned income or net profits, or to pay a tax thereon.

(q) "Tax Administration" means the City of Reading Tax Administration designated by Council to administer the provisions of this Earned Income Tax article under the direction of the Finance Director.

24-222 IMPOSITION OF TAX.

A tax, for general revenue purposes, of one and six tenths percent (1.6%) over and above the tax collected under 24-201 et seq. of the City of Reading Code of Ordinances is hereby imposed on the following:

(a) Salaries, wages, commissions and other compensation earned from year to year, on and after January 1, 2011, by individual residents of the City of Reading.

(b) Net profits earned from year to year, on and after January 1, 2011, by residents of the City.

The tax levied under subsections (a) hereof shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to a person who is employed by him. The tax levied under subsection (b) hereof shall relate to and be imposed on the net profits of any business, profession or other activity carried on by any person or persons.

Every corporation which is subject to the Pennsylvania Corporate Net Income Tax or exempt from the Pennsylvania Corporate Net Income Tax and every foreign corporation which is subject to the Pennsylvania Franchise Tax or exempt from the Pennsylvania Franchise Tax, shall be exempt from the tax imposed by this article.

The tax levied by this article shall be applicable to salaries, wages, commissions and other compensation and to net profits earned in the period beginning January 1, 2011, and ending December 31, 2011, and thereafter, from year to year on a calendar year basis and shall be in addition to the tax imposed for the same period or periods under 24-201 et seq..

24-223 ANNUAL RETURNS OF TAXPAYERS.

A. On or before April 15 of each year, every person, resident or non-resident, who resided in the City of Reading for all or any part of the preceding calendar year shall file with the appropriate Officer an Annual Tax Return showing all earned income and net profits received and/or earned for the previous year. A husband and wife may file a joint return.

B. If a person has no earned income to report, the word "none" shall be entered on the Annual Tax Return, and the return shall be signed, dated and returned to the Officer with an explanation (military service, retired, disability income only, etc.).

C. If net profits are received, the type of business, profession, or activity shall be indicated on Annual Tax Return and the amount of the profits shall be shown on the appropriate line(s) of the Return. If a net loss is incurred in the operation of a business activity, it may not be offset against the net profit of other business activities or earned income. Losses shall be indicated as zero in all calculations involving net profits on the Annual Tax Return. Copies of the appropriate Federal or Pennsylvania Income Tax Schedules shall be attached to the Annual Tax Return to substantiate profits and/or losses indicated.

D. When a Return is made for a fiscal year, the Return shall be filed within one hundred five (105) days from the end of said fiscal year.

E. The Annual Tax Return shall also show the taxpayer's name, Social Security number, address, place or places of employment or business, the amounts of tax due, the

amount of any credit claimed for tax withheld by an employer (with a copy of the Earnings and Tax Statement) or paid on estimate and such other information as may be indicated on the Return form or as may be required by the Officer. Every person subject to the tax shall file such return regardless of the fact that his wages may have been subject to withholding of the tax by his employer and regardless of whether or not tax is due.

F. At the time of filing the Annual Return, the taxpayer shall pay any tax due.

G. Tax Returns must be signed and dated by the taxpayer(s) in the space(s) provided.

24-224 DECLARATION AND PAYMENT OF TAX.

(a) Net Profits.

(1) Every taxpayer who reasonably expects that he will earn any taxable net profits during the period between January 1, 2011, and December 31, 2011, and thereafter, from year to year, shall, on or before April 15, 2011, and April 15 of each succeeding year, make and file with the Income Tax Officer, on a form prescribed by the Income Tax Officer, a declaration of his estimated net profits for the period beginning January 1, 2011, and ending December 31, 2011, and thereafter in each succeeding year between January 1 and December 31, setting forth the estimated amount of net profits reasonably expected by him for such period and subject to the tax, the amount of estimated tax imposed by this article on such estimated net profits, and such other relevant information as the Income Tax Officer may require. The taxpayer making the declaration shall, at the time of filing thereof, pay the City one-fourth of the estimated tax shown as due thereon and such taxpayer shall thereafter pay one-fourth of the estimated tax in each of three installments, as follows: one installment on or before June 15, 2011, one installment on or before September 15, 2011, and the last installment on or before January 15, 2012, and thereafter, from year to year, on June 15, September 15 and January 15, in each succeeding year.

(2) A person who on April 15, 2011, did not reasonably expect that he would earn any taxable net profits during the period between January 1, 2011, and December 31, 2011, and who, subsequent to April 15, 2011, reasonably expects that he will earn taxable net profits on or before December 31, 2011, shall make and file on or before June 15, 2011, September 15, 2011, or January 15, 2012, and thereafter, from year to year, on June 15, September 15, and January 15, respectively, in each succeeding year, whichever of these dates next follows the date on which the taxpayer first reasonably expects such net profits, a declaration similar to that required under subsection (a)(1) hereof.

The taxpayer making the declaration shall, at the time of filing thereof, pay to the City the estimated tax shown as due thereon, provided, however, that the taxpayer shall have the right to pay the estimated tax in equal installments on or before the quarterly installment payment dates which remain after the filing of the declaration.

(3) The Income Tax Officer is hereby authorized to provide by regulations, approved by Council, for the making and filing of adjusted declarations of estimated net profits, and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required shall thereafter either reasonably expect additional net profits not previously declared or find that he has overestimated his net profits.

(4) On or before April 15, 2011, and April 15 thereafter, from year to year, every taxpayer who has earned taxable net profits shall make and file with the Income Tax Officer a final return showing all of such net profits for the period beginning January 1, 2011, and ending December 31, 2011, and periods thereafter, year to year, the total amount of tax due, the amount of estimated tax paid under the provisions of this section and the balance due. When the return is made for a fiscal year different from the calendar year, the return shall be made within 105 days from the end of such fiscal year. The percentage of the total net profits of any calendar or fiscal year of a taxpayer beginning or ending within the period beginning January 1, 2011, and ending December 31, 2011, to which the tax imposed by this article shall be applicable shall be equal to the same percentage of such total net profits as the number of days in any such year within such period bears to the total number of days in any such year. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

(5) Every taxpayer who discontinues business prior to December 31, 2011, or prior to December 31 in any succeeding year while this article is in force and effect, shall, within thirty days after the discontinuance of business, file his final return as hereinabove required and pay the tax due, or demand refund or credit in the case of overpayment.

(b) Salaries, Wages, Commission and Other Compensation.

(1) Every taxpayer employed on a salary, wage, commission or other compensation basis and who reasonably expects to earn any taxable earnings not subject to the provisions of Section 24-224 relating to the collection at source, shall, on or before April 15, 2011, make and file with the Income Tax Officer a declaration of his estimated total amount of taxable salaries, wages, commissions and other compensation for the period beginning January 1, 2011, and ending December 31, 2011, the estimated amount of the tax thereon that will be deducted therefrom pursuant to Section 24-224, the estimated amount of tax imposed by this article that will not be deducted therefrom pursuant to Section 24-224, and such other relevant information as the Income Tax Officer may require. In preparing a declaration of estimated taxable salaries, wages, commissions and other compensation taxable under this article, the taxpayer shall use the same amounts with respect to such items as he shall have used in preparing his declaration of estimated tax for the year 2011 for Federal income tax purposes, if such taxpayer shall be required to file any such last-mentioned declaration.

(2) A person who on April 15, 2011, did not reasonably expect that he would earn any salaries, wages, commissions and other compensation not subject to the provision of Section 24-224 relating to the collection at source, during the period between January 1,

2011, and December 31, 2011, and who subsequent to April 15, 2011, reasonably expects that he will earn salaries, wages, commissions and other compensation not subject to the provisions of Section 24-224, on or before December 31, 2011, shall make and file on or before June 15, 2011, September 15, 2011, or January 15, 2012, and thereafter from year to year in each succeeding year on June 15, September 15 and January 15 respectively, whichever of these dates next follows the date on which the taxpayer first reasonably expects that he will earn such salaries, wages, commissions and other compensation, a declaration similar to that required under subsection (b) (1) hereof. The taxpayer making the declaration shall, at the time of filing thereof, pay to the City the estimated tax shown as due thereon, provided, however, that the taxpayer shall have the right to pay the estimated tax in equal installments on or before quarterly installment payment dates which remain after the filing of the declaration.

(3) The Income Tax Officer is hereby authorized to provide by regulations approved by Council for the making and filing of adjusted declarations of estimated salaries, wages, commissions and other compensation, and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required shall thereafter either reasonably expect additional salaries, wages, commissions and other compensation not previously declared, or find that he has overestimated his salaries, wages, commissions and other compensation.

(4) On or before April 15, 2012, every taxpayer who has received taxable salaries, wages, commissions and other compensation shall make and file with the Income Tax Officer, a final return showing all such salaries, wages, commissions and other compensation earned during the period beginning January 1, 2011, and ending December 31, 2011, the total amount of tax due thereon, the amount, if any, of estimated tax thereon paid under the provisions of this section, and the amount, if any, of tax thereon that has been withheld pursuant to the provisions of Section 24-224 and the balance of tax due.

At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

24-225 COLLECTION AT SOURCE.

(a) Every person, firm or corporation within the City who employs one or more persons on a salary, wage, commission or other compensation basis, other than domestic servants, shall deduct, at the time of the payment thereof, the tax imposed by this article on the salaries, wages, commissions and other compensation due to his employee or employees, and shall, on or before April 30, 2011, July 31, 2011, October 31, 2011, and January 31, 2012, respectively, and thereafter year to year, make and file with the Income Tax Officer, a return setting forth the taxes so deducted, and pay to the City the amount of taxes deducted for the preceding quarterly periods ending March 31, 2011, June 30, 2011, September 30, 2011, and December 31, 2011, respectively, and thereafter year to year..

(b) On or before February 28, 2012, and thereafter year to year, every such employer shall file with the Income Tax Officer:

(1) An annual return showing the total amount of salaries, wages, commissions and other compensation earned by each employee on which a tax is imposed by this article, the total amount of taxes so deducted, and the total amount of all taxes paid to the City on account of salaries, wages, commissions and other compensation earned by each employee during the period beginning January 1, 2011, and ending December 31, 2011, and thereafter year to year.

(2) A return for each person employed during all or any part of the period beginning January 1, 2011, and ending December 31, 2011, and thereafter year to year, who earned, during such period, any salaries, wages, commissions or other compensation subject to the tax imposed by this article, setting forth the employee's name, address and Social Security number, the total amount of salary, wages, commissions or other compensation earned by each employee during such period, and the amount of tax deducted therefrom. Every employer shall furnish a copy of the individual return to each employee for whom the employer is obligated to make a return under the provisions of this article.

(c) Every employer who discontinues business prior to December 31, 2011, and thereafter year to year, shall, within thirty days after the discontinuance of business, file the returns herein above required and pay the tax due.

(d) The failure or omission of any employer to make the deductions required by this section does not relieve any employee from the payment of the tax or from complying with the requirements of this article relating to the filing of declarations and returns.

(e) If an employer makes a deduction of tax as required by this section, the amount deducted shall constitute in the hands of such employer a trust fund held for the account of the City as beneficial owner thereof, and the employee from whose salaries, wages commissions or other compensation such tax was deducted shall be deemed to have paid such tax. Payment of the tax under the provisions of this section shall not relieve the taxpayer from filing a final return required by Section 24-223.

24-226 INCOME TAX OFFICER; POWERS AND DUTIES.

(a) It shall be the duty of the Income Tax Officer to collect and receive the taxes, fines and penalties imposed by this article. It shall also be his duty to keep a record showing the amount received by him from each person paying the tax and, if paid by such person in respect to another person, the name of such other person and the date of such receipt.

(b) The Income Tax Officer is hereby charged with the administration and enforcement of the provisions of this article, and all amendments thereto, as well as all rules and regulations of Council pertaining thereto, for the administration and enforcement of this

article, including provisions for the re-examination and correction of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to grant reasonable extensions of time upon proper cause shown for filing declarations or returns found necessary for the administration of this article.

(c) The Income Tax Officer, and agents designated in writing by him, are hereby authorized to examine the books, papers, and records of any employer, taxpayer, person, firm or corporation whom the officer reasonably believes to be an employer or taxpayer, in order to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every employer, taxpayer, person, firm or corporation whom the Officer reasonably believes to be an employer or taxpayer, is hereby directed and required to give to the Officer, or to any agent designated by him, the means, facilities and opportunity for such examination and investigations, as are hereby authorized.

(d) Any information gained by the Income Tax Officer, his agents, or by any other official, agent or employee of the City as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this article shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this article or as otherwise provided by law.

(e) Any person aggrieved by any action of the Income Tax Officer shall have the right of appeal as provided by law.

24-227 SUIT FOR COLLECTION OF TAX.

(a) The Income Tax Officer may sue in the name of the City for the recovery of taxes due and unpaid under this article.

(b) Any suit brought to recover the tax imposed by this article shall be begun within three years after such tax is due, or within three years after the declaration or return has been filed, whichever date is later, provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

(1) Where no declaration or return was filed by any person, although a declaration or return was required to be filed by him under provisions of this article, there shall be no limitation.

(2) Where an examination of the declaration or return filed by any person, or of other evidence relating to such declaration or return in the possession of the Income Tax Officer, reveals a fraudulent evasion of taxes, there shall be no limitation.

(3) In the case of substantial understatement of tax liability of twenty-five percent or more, and no fraud, suit shall be begun within six years.

(4) Where any person has deducted taxes under the provisions of this article and has failed to pay the amounts so deducted to the Income Tax Officer, or where any person has willfully failed or omitted to make the deductions required by this article, there shall be no limitation.

(5) This section shall not be construed to limit the City from recovering delinquent taxes by any other means provided by this article.

(c) The Income Tax Officer may sue for recovery of an erroneous refund provided such suit is begun two years after making such refund, except that the suit may be brought within five years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

24-228 INTEREST ON UNPAID TAX.

If for any reason the tax is not paid when due, interest at the rate of six percent per annum on the amount of such tax, and an additional penalty of one-half of one percent of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefore shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

24-229 PAYMENT AND REFUNDS.

The Income tax Officer is hereby authorized to accept payment of the amount of tax claimed by the City in any case where any person disputes the validity or amount of the City's claim for the tax. If it is thereafter judicially determined by a court of competent jurisdiction that there has been an overpayment to the Income Tax Officer, the amount of the overpayment shall be refunded to the person who paid.

24-230 APPLICABILITY.

The tax imposed by this article shall not apply:

(a) To any person as to whom it is beyond the legal power of the City to impose the tax herein provided for under the Constitution of the United States and the Constitution and Laws of the Commonwealth of Pennsylvania.

(b) To the net profits of any institution or organization operated for public, religious, educational or charitable purposes, to an institution or organization not organized or operated for private profit or to a trust or a foundation established for any such purposes.

This section shall not be construed to exempt any person who is an employer from the duty of collecting the tax at source from his employees and paying the amount collected to the City under the provisions of Section 24-224

24-231 SEVERABILITY.

The provisions of this article are severable. If any sentence, clause or section of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this article. It is hereby declared to be the intent of Council that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

24-232 EFFECTIVE TERM.

This article shall be in force and effect from January 1, 2011, to and including December 31, 2011, and thereafter, from year to year, between January 1, and December 31, inclusive, in each succeeding year until otherwise ordained by the City or revoked by an act of Assembly, now or hereafter in force and effect, of the Commonwealth of Pennsylvania.

Wherever in this article a date is designated referring to a particular year, such year shall be construed to refer to the initial year in which this article is effective, and thereafter shall be construed to mean each succeeding year in which this article remains in effect.

Dates used in this article relevant to the initial effective period shall be construed in succeeding years with reference to the corresponding next year.

24-233 RULES AND REGULATIONS.

The Division of Tax Administration shall issue rules and regulations for the implementation of this ordinance. Such rules and regulations shall be subject to approval by City Council.

24-234 HEARING OFFICER.

The Tax Administration Manager is designated as the hearing officer to conduct hearings and decide all appeals filed.

24-239 PENALTY.

(a) Any person who fails, neglects or refuses to make any declaration or return required by this article, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the Income Tax Officer or any

agent designated by him to examine his books, records and papers, and any person who knowingly makes an incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this article shall, upon conviction thereof before any justice of the peace, alderman or magistrate, or court of competent jurisdiction in Berks County, be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each offense, and costs, and, in default of payment of said fine and costs to be imprisoned for a period not exceeding thirty days.

(b) Any person who divulges any information which is confidential under the provisions of this article shall, upon conviction thereof before any justice of the peace, alderman or magistrate, or court of competent jurisdiction, be sentenced to pay a fine of six hundred dollars (\$600.00) for each offense, and costs, and in default of payment of such fines and costs shall be imprisoned for a period not exceeding ninety days.

(c) The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this article.

(d) The failure of any person to receive or procure forms required for making the declaration or returns required by this article shall not excuse him from making such declaration or return.

SECTION 2. This Ordinance shall become effective January 1, 2011.

Enacted _____ day of _____, 2010.

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2010

A N O R D I N A N C E

**AN ORDINANCE ESTABLISHING THE FULL-TIME EMPLOYEE POSITIONS
FOR THE CITY OF READING FOR THE FISCAL YEAR 2011.**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:**

SECTION 1. Full-Time positions for the City of Reading's fiscal year beginning January 1, 2011, and ending December 31, 2011, shall be as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. This Ordinance shall become effective January 1, 2011.

Enacted _____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2010

AN ORDINANCE

AN ORDINANCE ESTABLISHING THE BUDGET FOR THE FUNDS OF THE CITY OF READING INCLUDING REVENUES AND EXPENSES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2011.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The budgeted revenues and expenses for the various funds of the City of Reading for the fiscal year beginning January 1, 2011, and ending December 31, 2011, shall be as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. This ordinance shall be effective January 1, 2011.

Enacted _____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO.____-2010

AN ORDINANCE

AN ORDINANCE ESTABLISHING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE CITY OF READING INCLUDING CAPITAL EXPENDITURES AND REVENUES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2011.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The budgeted expenses and revenues for the Capital Improvement Plan of the City of Reading for the fiscal year beginning January 1, 2011, and ending December 31, 2011, shall be set forth in Exhibit A, as attached hereto and made a part hereof.

SECTION 2. This Ordinance shall be effective January 1, 2011, said date being the beginning of the fiscal year of the City of Reading.

Enacted_____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL N O. _____-2010

A N O R D I N A N C E

**AN ORDINANCE AMENDING
CHAPTER 1 ADMINISTRATION AND GOVERNMENT
PART 5 BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS
SUBPART G PLANNING COMMISSION
SECTION 1-571 CREATION OF COMMISSION**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 1 Administration and Government Part 5 Boards, Commissions, Committees and Councils Subpart G Planning Commission Section 1-571 Creation of Commission of the City of Reading Codified Ordinances is hereby amended to reduce the number of members of Planning Commission members for the City of Reading from seven to five and specifically amended as follows:

§1-571 Creation of Commission

A City Planning Commission to be composed of ~~seven~~ five members, appointed as provided by law (53 P.S. §10202), is hereby created in and for the City. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon City planning agencies; provided, the Planning Commission previously created in and for the said City shall constitute the tenure of any members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing City planning commissions in effect at the time of the happening of the said vacancy.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 1 Administration and Government Part 5 Boards, Commissions, Committees and Councils Subpart G Planning Commission Section 1-571 Creation of Commission and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2010

Council President

Attest:

City Clerk

(LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE NO _____ - 2010

**AN ORDINANCE ESTABLISHING A FOUR-WAY STOP INTERSECTION
AT NORTH 13TH STREET AND ELM STREET IN
THE CITY OF READING, PENNSYLVANIA**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:**

SECTION ONE: The intersection of North 13th Street and Elm Street in the City of Reading, Berks County, Pennsylvania is hereby established as a four-way stop intersection.

SECTION TWO: Drivers of all vehicles approaching the intersection of North 13th Street and Elm Street shall come to a complete stop and not proceed into said intersection until it can be done safely, as provided in the Pennsylvania Motor Vehicle Code, 75 Pa.C.S. § 101 et seq.

SECTION THREE: This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____